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11 UNITED STATES OF AMERICA

12 IN THE UNITED STATES DISTRICT COURT
13
14 CENTRAL DISTRICT OF CALIFORNIA

15 *IN THE MATTER OF THE SEIZURE OF:*

Case No. 18-CV-06742-RGK (PJW)

16 ANY AND ALL FUNDS HELD IN
17 REPUBLIC BANK OF ARIZONA
ACCOUNT[S] XXXX1889, XXXX2592,
18 XXXX1938, XXXX2912, AND
19 XXXX2500.

UNITED STATES OF AMERICA'S
RESPONSE TO ORDER TO SHOW
CAUSE DATED NOVEMBER 26,
2019

20
21 Plaintiff United States of America (the "Government"), by and through its
22 counsel of record, the United States Attorney for the Central District of California
23 and Assistant United States Attorneys John J. Kucera and Dan G. Boyle, hereby
24 files its response to the Court's recent Order to Show Cause (Dkt. 125).

25 On November 26, 2019, this Court ordered all parties to show cause why
26 this action should not be consolidated with 31 other civil actions currently before
27 this Court, each seeking forfeiture of property alleged to be traceable to
28 Backpage.com (hereinafter the "Backpage Forfeiture Actions), in connection with

1 an ongoing criminal action in the District of Arizona, captioned United States v.
 2 Lacey, No. 18-CR-422-PHX-SMB.

3 The Government agrees that each of the Backpage Forfeiture Actions
 4 contain common questions of law and fact under Fed.R.Civ.P. 42, and accordingly,
 5 the Government does not object to consolidation of the Backpage Forfeiture
 6 Actions. Notwithstanding any consolidation, however, separate judgments should
 7 still issue in each of the Backpage Forfeiture Actions. See Hall v. Hall, 138 S. Ct.
 8 1118, 1130 (2018) (“[T]hrough consolidation under Rule 42(a) ‘one or many or all
 9 of the phases of the several actions may be merged’ but ‘separate verdicts and
 10 judgments are normally necessary.’” (quoting 3 J. Moore & J. Friedman, Moore's
 11 Federal Practice § 42.01, pp. 3050–3051, n. 12 (1938))). Here, certain of the
 12 Backpage Forfeiture Actions concern real property, see, e.g., United States of
 13 America v. Real Property Located in Maricopa County, Arizona, 2:18-CV-08555-
 14 RGK-PJW, and as a practical matter, separate judgments are functionally
 15 necessary to properly record chain of title on any such real property which may be
 16 forfeited following judgment. For this reason, the Government does not oppose
 17 consolidation of the Backpage Forfeiture Actions, but respectfully requests that
 18 separate judgements issue following any consolidation.

19 Dated: November 27, 2019

Respectfully submitted,

20 NICOLA T. HANNA
 21 United States Attorney

22 BRANDON D. FOX
 23 Assistant United States Attorney
 Chief, Criminal Division

24 /s/

25 DAN G. BOYLE
 26 JOHN J. KUCERA
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